

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

MAR 15 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2011-0338-PR
)	DEPARTMENT A
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
MARTIN LEON CORRAL,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20072263

Honorable Richard D. Nichols, Judge

REVIEW GRANTED; RELIEF DENIED

Barbara LaWall, Pima County Attorney
By Jacob R. Lines

Tucson
Attorneys for Respondent

Martin Corral

Florence
In Propria Persona

E C K E R S T R O M, Presiding Judge.

¶1 Following a jury trial, petitioner Martin Corral was convicted of aggravated driving under the influence of an intoxicant and aggravated driving with an alcohol concentration of .08 or greater, both committed while his license was suspended, revoked, or restricted. The trial court sentenced him to concurrent, presumptive, ten-year

prison terms. We affirmed Corral's convictions and sentences on appeal. *State v. Corral*, No. 2 CA-CR 2009-0261 (memorandum decision filed July 29, 2010). In October 2010, Corral filed a notice of post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P. Corral's attorney filed a "notice in lieu of petition for post-conviction relief," citing *Montgomery v. Sheldon*, 181 Ariz. 256, 260, 889 P.2d 614, 618 (1995), stating she was unable to find any claims to assert on Corral's behalf and asking the court to give Corral the opportunity to file a pro se, supplemental petition.

¶2 Although the trial court granted Corral three extensions of the time for filing a pro se petition, he nevertheless failed to file a petition and, on June 21, 2011, the court dismissed the notice of post-conviction relief. In August, less than two months later, Corral filed a second notice of post-conviction relief. In that notice, he asserted, *inter alia*, that Rule 32 counsel had "refuse[d] to follow the stated court order to [provide] assistance, . . . den[ied] defendant access to free transcripts[,] and completely desert[ed]" him. Summarily dismissing the notice, the court summarized the history of the previous post-conviction proceeding, noting the repeated extensions it had granted and commenting that Corral "had not shown good cause to warrant any further extensions of time." The court also found that, with respect to any claims Corral intended to raise, he had not established why they were not precluded, *see* Ariz. R. Crim. P. 32.2(a), and even if excepted from the rule of preclusion, why he should be permitted to raise them in a successive proceeding. The court denied Corral's subsequently filed motion for reconsideration. Corral now challenges those rulings. "We will not disturb a trial court's ruling on a petition for post-conviction relief absent a clear abuse of discretion." *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007). We find no abuse here.

¶3 In his petition for review, Corral basically reiterates the claims he had set forth in his notice of post-conviction relief and challenges the trial court’s denial of his “request to attain trial court transcripts.”¹ But Corral does not argue, much less establish, how the court abused its discretion in summarily dismissing his notice of post-conviction relief and denying his motion for reconsideration. As we previously noted, the court explained the reasons for summarily dismissing the notice and denying the motion for reconsideration in thorough, clear minute entry orders. Based on the record before us, the court’s rulings are correct. We therefore adopt them. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993).

¶4 We grant the petition for review but deny relief.

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

/s/ J. William Brammer, Jr.
J. WILLIAM BRAMMER, JR., Judge

¹The court noted it was “unclear” which transcripts Corral sought but found, in any event, that Corral had been provided with a complete case file.